Forms and Features of the Post-Enlargement Migration Space

Paolo Ruspini, PhD
*Associate Fellow, Centre for Research in Ethnic Relations, University of Warwick**
P.Ruspini@warwick.ac.uk

This paper is a preliminary attempt at investigating the link between the post EU enlargement migration space and the ongoing process of the forming of a common EU immigration policy, now in its second phase, the 'Hague Programme' having been agreed upon in November 2004. The main subject I mean to discuss centres around a series of juxtapositions which are the result of an interrelation between the national and supranational levels of EU policymaking: 'enlargement(s) and restrictions', 'visible and invisible borders', 'pendulum and pillar' defining the area of Justice, Freedom and Security, implemented since the meeting of the European Council in Tampere in October 1999.

Keywords: immigration, EU enlargement, borders, policymaking, European identity.

What is Europe? Is it a geographic, economic, political entity, a category of thought or rather the space of 'freedom, security and justice' and for the movement of goods and citizens belonging to the European Union? Regarding people, is this movement indeed 'free', 'just' and 'safe' for all the citizens that live in this space?

Since its foundation the transnational experiment named European Union (EU), has tried to provide a political form to the ancient idea of Europe. This has been attempted by establishing a set of rules opposing the entropy of the international system, setting up a common market, therefore continuing the process of political integration sanctioned by Treaties. These rules have generated a dense network, which has grown up, surprisingly, beyond all proportions, entangling 'goods and persons', at times delaying the overall growth of the system. The geopolitical space of the European Union has expanded or decreased because of historical social factors and the political willingness, or not, of the ruling coalitions of its member States.

In more than forty years of its recent history, Europe has been a divided entity reproducing variables of political thought and socio-economic systems in contrast one with the other: East and West, a planned economy against the free market, totalitarianism and democracy. To a great extent, they are dichotomies refuted from the historical overthrows of more recent years[1].

The collapse of the Soviet paradigm in 1991 and the following gradual reunification of the European continent have not only altered forever a vision of the world, but they have also sparked movements of populations for long appeased, thus putting under discussion migration regimes and the impermeability of European borders. At the beginning of this process, Western European migration scholars started off on the wrong foot, sometimes lacking the knowledge and explanatory instruments necessary to comprehend the migration dynamics, generated from, up until then, a little studied or even ignored reality. The intellectual curiosity, instilled by the ongoing epochal upheavals, has however prevailed on stereotypes and widespread misconceptions. The exchanges of scientific knowledge, which proceeded simultaneously with each stage of European integration, has therefore intensified between East and West, who represented, to each other, only until recently, two very distant worlds.

The idea mooting this paper is the need to look at the transformations of the EU migration space in the time that starts in the 1980s, goes through the 1990s, until the decisive appointment of 1st May 2004, the day that sanctioned the fifth and more imposing EU enlargement. The last date is actually a starting point for the continent that urges to look beyond, trying to identify the empirical form and political features within today's migration scenario of the enlarged EU.

1. 'Enlargements' and 'restrictions' in the European Union

The path of European integration is not straightforward at all. The history of the European Union has seen periods of acceleration followed by a slowing down, in the process of the formation of a common economic and political space. It is true that this path, though still far from being completed, has never actually arrested and it can be said that it has also reinvented itself in generating new political and institutional frameworks, which are the subject of deep interest on behalf of scholars of international relations, particularly those of the 'neofunctionalist' school.

Social phenomena and political processes, often complementary, have propelled the enlargement of the common European space: the processes of globalisation and economic interdependence on one side together with the evident impossibility to adopt national immigration policies without externalising the control of borders. Europe, or better, the European Union, has therefore experienced an awareness, albeit unwillingly, which for some States proves to be a miraculous 'panacea' where for others it represents an improvident solution by which to mitigate the malaises and the stiflement suffered due to systems of national governance.

What might seem a bold pragmatism in this last statement, does not mean to convey a non-appreciation of the propulsive role of the ideas and the sometimes ideological afflatus lavished over time by the advocates of European integration. This paper is not aimed at a philological reconstruction of the development of European integration in the migration sphere, but, rather, it means to encourage thought and clues to a more complete understanding of the dynamics. Some contextualization is, however, necessary in order to make a correct analysis.

The 1980s, starting point of our discussion, saw an acceleration of the political union with the introduction of the concept of 'variable geometry' and the publication of the 'White Book' of the Delors Commission, which includes detailed proposals for realizing a common market. The accession of Greece in 1981, together with that of Spain and Portugal in 1986 gave us 10 EU member States. The same last year the European Single Act has been enacted. It modifies the Treaty of Rome by introducing the 'qualified majority voting' for the harmonization of legislations. This Act, fervently encouraged by Kohl and Mitterand, opened the road to the creation of a big common market without frontiers, expected for the 1st January 1993 (Motta, 2003). The Delors Plan, adopted in 1989, prepared the setting up in three stages of the Economic and Monetary Union, while the Schengen Convention, which includes the total abolition of border controls, was signed to on 19th June 1990. The last objective was reached only in 1993, after the signing of the Treaty of Maastricht (7th February 1992) that sanctioned the freedom of movement for persons, goods, services and capitals.

The historical reconstruction aside, the development of the European integration process has been distinguished by two enlargements to three southern European countries, only five years one from the other and by the signing of the Schengen Convention that closes the 1980s and smoothes the way for the important institutional turning points of the 1990s.

It is interesting to note that the economic situation of Greece, Spain and Portugal at the time of their EU accession, compared with that of the member States was not so dissimilar to that between the EU-15 and the new Central and Eastern European (CEE) members in 2004. Certainly, one should proceed with caution in making comparisons between socio-economic models when taking into consideration their diverse historical experience. In the case of CEE countries, these models have been shaped over time by planning mechanisms historically absent in the West. It is worthy to note however, that calculations may be made through a fear, classifiable as irrational, and emphasised then, as now, with the purpose of raising distinctions and therefore restricting the freedom of

movement of workers from the new member States, for subsequently re-negotiable transitional arrangements, so as to avoid an imbalance in the labour markets of the old member States (Traser, 2005). The scarce migratory flow, once the freedom of movement for workers of the three Mediterranean Countries was sanctioned (van Selm, Tsolakis, 2004), has proved these fears to be groundless.

On a contemporary level, restrictions have proved worthless, considering by all the projections, sector studies and econometric calculations carried out before the 2004 Eastward enlargement. Past and recent estimations however, seem not to be enough to prevent a sort of 'domino effect', on the eve of the May 2004 enlargement, where member States were urged to apply the restrictions. The 'invasion syndrome' and recurrent use of hyperbola like "big-bang" borrowed from astrophysics, inexorably unmask the hypocrisies of national immigration policies and the selfishness of member States when their own prerogatives of national sovereignty are at stake.

A European Commission report on the "Functioning of Transitional Arrangements" published on 8th February 2006 shows that the mobility of workers from the EU member States in Central and Eastern Europe to the EU-15 has had mostly positive effects and has been in most countries even quantitatively less important than foreseen. National restrictions have had little direct effect on controlling the movement of workers, the report indicates (CEC, 2006). Concerning transitional arrangements, the evidence shows that there is no direct link between the magnitude of mobility flows from the EU-10 member States and the transitional arrangements in place. In particular, flows into the UK and Sweden, which are member States without restrictions for the EU-8 workers, are comparable if not lower to those countries with transitional arrangements[2]. New member State (EU-10) nationals represented less than 1% of the working age population in all countries except Austria (1,4% in 2005) and Ireland (3,8% in 2005). In the EU member States that opened their labour market, the new European citizens alleviated skills bottlenecks and filled the jobs that are fulfilled in the rest of Europe by irregular migrants, either from the new member States or non EU countries (Weil, 2005).

As to the 12 EU countries using transitional arrangements, evidence suggests that some of these countries may have experienced undesirable side-effects, such as higher levels of undeclared work and bogus self-employed work (CEC, 2006)[3]. In view of this, lifting the transitional arrangements might eventually contribute to the reduction of irregular workers coming from non-member States and thus deter irregular migration from outside the EU (Weil, 2005).

In our opinion, it will be more interesting to look at the eventual reproduction of return migration scenarios, such those regarding Greece, Spain and Portugal, when the internal economic conditions became competitive compared with those of the destination countries. They are hypotheses to be verified on the ground of the characteristics of the CEE migratory regimes and the logics of the pre- and post-enlargement scenario. Since the 2004 enlargement, labour market developments in the EU-8 have been positive with unemployment rates, though still high, dropping significantly in almost all of them, while the outlook for economic growth remains bright and the increased Structural and Rural Development Funds start to bear fruit in promoting economic growth and employment creation (CEC, 2006).

One observation must be added regarding the openly evident contrast between the EU set standards that advocate the freedom of movement for all the workers who live and reside in the Union, and the distinctions exercised by the member States in reproposing the transitional arrangements. They seem to deny and contradict the freedom of movement in selective terms, i.e. where the Union has accepted countries whose economic development is inferior to the member States average, and where the relative migratory potential was only 'apparently' increased by virtue of projections based on

their history of emigration countries.

It is actually worth remembering that, when in 1995 Austria, Finland and Sweden joined the Union, the need to adopt restrictive measures was not apparent, and again in 2004 for Malta and Cyprus. Moreover, we should be wary of myopia, while writing analyses and forecasts based only on wage differentials. It is worth remembering that migration is, in fact, a more complex phenomenon. The migratory potential, i.e. the intention to carry out a migratory project, sometimes does not materialize because of the existence of a series of multiple factors which characterise the job market[4], the absence of well-established ethnic networks or the presence of cultural and linguistic barriers in the countries indicated as probable destination (Kaczmarczyk, 2004). On the importance of seeing the bigger picture, we cannot but be in complete agreement with the statement made by Claire Wallace (1999): "Being poor is not enough to become a migrant".

With these issues in mind, the partial negation of the Treaties' postulate, which has sanctioned the freedom of movement, throws a gloomy light on the EU Charter of fundamental rights (i.e. the nucleus of the future European Constitution) and raises questions on the compatibility of any unborn political union with criteria of democratic inclusion typical of a federal structure. By adopting a theoretical model which correlates federation and democracy at the time of migration (Koslowski, 2000), we might possibly argue that "when there is migration among states entering a federal political union and those states base complete free movement of people and labour on transitional arrangements for the included new members and on long-term objectives for the new excluded neighbours, is the political union compatible with inclusive democracy?"

2. 'Permeability' and 'impermeability' of the enlarged EU borders

A 'Copernican revolution' took place, within the EU, in the middle of the '90s, which would have soon transformed the global migration regime of the continent. In 1995, for instance, the Schengen Convention came into force ten years after its signature, covering common external borders, common rules in visas and asylum, control of external borders and free movement of persons. The 'Schengen Information System' (SIS) has been established to match freedom and security. It is directed to the gathering and exchange of personal identification data and the description of lost and stolen objects. Limited to the five 1985 founding States (France, Germany and Benelux), the Schengen space has progressively extended to nearly all EU member States (with the exception of the United Kingdom and Ireland)[5]. Furthermore, the southern European member States, belonging to the Mediterranean model born at the beginning of the 1980s, grouping common migratory characteristics and experiences, anticipated paths similar to those of the CEE countries, adapting their mechanisms of borders control. The reactive character of many of these legislations has since been considered unsuitable for implementation, in its ignorance of historical contingencies and existing immigration policies (Kępińska, Stola, 2004).

The need to satisfy parameters established from above, at the EU level, without the advice of the directly interested countries, has pushed on several occasions to postulate policies that are often inadequate in taking into account the historical characteristics of the CEE region and the problems, as a consequence of population movements in the past century, which have arisen in the displacement of ethnic minorities outside their borders of origin. The management of CEE ethnic minorities therefore, cannot be conceived on the basis of the Western European experience, because conditions are rarely analogous and the range of rights which the minorities of these regions aspire to and those that the governments of their countries of origin would be willing to grant are much wider compared with Western European standards (Górny, Ruspini, 2004).

It may be that in the process of EU enlargement, *ad hoc* meetings and exchanges of

experiences at the EU level between all the actors concerned with the policy-making process, would have been useful, including those of immigrant communities and ethnic minorities from Eastern and Western Europe. This would have enabled migration experts of the candidate countries to be actively and effectively involved in the formation of immigration policy. Such active involvement would certainly have served as a stimulus to facilitate a search for solutions and compromises in the diplomatic controversies arisen during the enlargement process.

The above observations are not aimed at disclaiming the important role of the 'reactive' element in spurring on the formation and harmonization of member and candidate countries immigration policies. This is certainly a first goal, though not definitive, however important, when such diverse starting premises are considered. The alleged facts also testify to the influence that politics, and not only market rules, give to the importance of shaping the flow of migration and to the space of that singular model of supranational political integration that is the European Union. This (re)shaping has not always occurred in the right and desired direction, aimed at matching the general with the specific interests of immigrant groups and ethnic minorities. At any rate, the fact that policy-making process has started, is an important success in itself.

On the basis of what is set out above, the importance, therefore, of the role that the Schengen acquis or convergence criteria play in shaping the EU borders is self-evident. An unexpected freedom of movement on behalf of CEE citizens towards the West generated by the removal of the exit controls in the 1990s, has been enjoyed. Many took advantage of the concession of temporary permits, staying permanently in Western European countries, in particular where the geographic proximity, the historical and cultural ties and the economic attraction of the labour markets made the stay reasonable and employment possibilities more advantageous. Absence of exit controls together with the adoption of liberal immigration policies by several western European countries was responsible for a flow of migration towards the West and may have often even sparked this flow.

Moreover, in the decade preceding the beginning of the 1990s, the CEE migration space worked nearly exclusively according to internal rules; population movements were mainly restricted to the CEE region, as a direct consequence of the lack of exit controls and passport visas for accessing the West. These dynamics were functional to Western Europe. The region acted, in fact, as 'buffer zone' between East and West and so it was until 1st May 2004. The Schengen barrier played the role of propeller for CEE migratory flows for a long time. Flows were circular, 'incomplete', triggered by the exploitation of wage differentials at the time of the transition of the CEE economies and at the same time a backwardness and the progressive decline of the bordering former-Soviet republics.

An 'epos' came about, made of peddlers, small 'entrepreneurs', asylum seekers, ethnic networks and dubious legal trading between bordering regions of Eastern Europe, the fascinating study and research of which has remained unchanging regardless of the time which goes by. Therefore, what at first was temporary mobility, slowly became a transformation towards settlement implying permanent stay. The rate of mixed marriages between Poles and Ukrainians, for instance, increased as a result of the prolonged stay and the new and continuing flows from the East, thus demonstrating the significance of a particular kind of flow within the overall character of migration originating in the former Soviet Union (Górny, Kępińska, 2004).

CEE countries will soon show characteristics and profiles similar to Western Europe in their way of experiencing the migratory phenomenon. Castles and Miller (1993) identified the constant factors associating countries that reached various stages of their immigration experience so as to include:

- A dynamic process of migration, which transformed the temporary entry of workers and

refalces into permanent settlers who form distinct ethnic groups;
- The economic and social marginalization of the immigrants;
- Community formation among immigrants;
- Increasing interaction between immigrant groups and the local population;
- The imperative for the state to react to immigration and ethnic diversity (Castles, 1995: 293).

These are stages which Castles and Miller have found, through different sources, in all the Western European countries, and that global migratory dynamics are gradually exporting to the CEE region (Iglicka, 2004). This hypothesis can be verified on the grounds of how the enlarged migration space is synthetically analysed herein. The territory is delimited by new borders, and diverse migratory experiences will increasingly tend to converge until the similarities as listed by Castles and Miller will prevail over the differences.

The debate in question is not the next convergence on migration, but, rather, it is the question of the identity of the European migration space and its borders. The reshaping of this space and the Eastward shift of the EU border has actually generated dynamics of inclusion and exclusion to be carefully observed.

In this regard, this research diverges from that which declares the superiority of the market laws on politics, supporting the 'uninterrupted' porosity of the EU border without making any distinction between the time before and after the EU enlargement (Favell, Hansen, 2002). There is no objection as far as the porosity of the borders in the fifteen years before the enlargement is concerned. There is, rather, the conviction that migration dynamics and regional networks have suffered meaningful consequences because of the EU enlargement, and they require political interventions to face the process of reshaping the borders and the ongoing mechanisms of enclosure.

In other words, I would argue that factors of inclusion and exclusion generated by the 2004 enlargement created 'visible' borders, like the one between Poland and Ukraine, and equally 'invisible' borders, as those generated by the simultaneous existence of wage differentials and the new boundaries of entry and mobility (Ruspini, 2004a, 2003). The differences of socio-economic development, though inherent to the expansion processes, endanger the cohesion and social tissue of culturally and geographically similar communities and the well-established exchange and mobility practices between borders.

In order to face the consequences of the EU enlargement, forty regions on the EU's eastern border set up a network in Brussels on 8 December 2005. The Network of Eastern External Border Regions (NEEBOR) brought together regions from Finland, the Baltic States, Poland, Hungary, Slovakia, Romania and Greece, as well as some Russian, Ukrainian and Belarusian regions aiming at boosting cross-border labour markets, exchanging information about environmental projects or activities supporting good governance and democracy (Kubosova, 2005).

As a matter of fact, it is not only question of East-West borders, but of North-South geopolitical spaces, as remarked some months before the Eastward enlargement, by some Maghreb colleagues who complained at the insufficient attention given to EU processes of "inclusion" on the Southern side of the Mediterranean. There is not doubt that the process of European integration is made of tight interdependent variables (Wallace H., 2001), but one should not forget that the meaningful, though not complete, solution of the East-West differences within the EU enlargement, leaves the North-South difference unsolved[6].

Though mistrusting the porosity of the CEE borders, it is difficult to imagine Europe as a 'Fortress'. More realistically, the Union should strive to re-establish an absent or "forever lost" socio-economic equilibrium. For example, the EU should aim at preventing an expansion of the bridge demarcating the border between Narva in Estonia and Ivangorod in Russia; two urban agglomerates which were a single city up until 1st

May 2004 (Visetti, 2004). Metaphorically speaking, this represents a deep moat between Catholicism and Orthodoxy, European Union and Russia.

3. The 'pendulum' of Helen Wallace and the 'pillar' of Justice and home affairs

The pendulum fluctuates, attracted, as it is, by two opposite magnetic fields. Helen Wallace, herself, (1996: 13) sharply noticed the fluctuations resulting from the shifts in interests and loyalties in the process of policy coordination of the EU field of Justice and home affairs. These fluctuations happen during the policy formation/harmonisation between the national and transnational/supranational dimension. The European institutions on one side and the national level governance on the other (with the minor 'magnetic fields' of the regional and local dimension) are two opposite poles in competition for the overall field of decisional spaces. The probability that one or the other dimension prevails and the policies adopted depend on the strength of the two magnetic fields: if both sides are weak, no coherent policy will emerge either at the supranational or the national level.

Helen Wallace's "pendulum" is based on a series of premises, which we have indirectly pointed out, like the political inadequacy of the national States, the impact of globalisation and the specific features of the European region (Apap, 2004). The pendulum movements illustrate, with precision, the opposite tensions under way during the process of European integration: its progresses at times regular, other times irregular, the fluctuations and the immobility. Wallace's metaphor is also useful to illustrate the contrast, which became more and more intense from the second half of the 1990s, in the creation of the EU immigration and asylum policy between the intergovernmental and supranational dimension. A contrast which, in the light of the structural characteristics of the model, does not anticipate a definitive solution in favour of one or the other dimension, but rather a continuous fluctuation with sometimes the prevailing of one, sometimes of the other, depending on the historical circumstances and the political and economic interests at stake.

In this context, some more precise information is necessary in order to contextualise the fluctuations in this field of policy. After the entry in force of the Treaty of Maastricht, the 1990s saw the 1996-97 European intergovernmental conference that prepared the Treaty of Amsterdam. On 2nd October 1997, the treaty was signed and on 1st May 1999 came into force. The European Union became 'a space of freedom, security and justice'. Justice and home affairs acquired a wider field of action and more specific objectives; the European institutions a more balanced role and a more effective and democratic method of work had been planned. Moreover, the European Commission acquired wider prerogatives and a new Title (IV) included in the Treaty encompassed freedom of movement, immigration and asylum. The Schengen agreements were integrated in the legal frame of the *acquis* of the European Union. Aims to be achieved are "free movement of persons" (EU and third country residents) and "security through the fight of crime and terrorism" (art. 2 of the Single European Act). The introduction of a scoreboard, the so-called "Scoreboard to Review Progress on the Creation of an Area of Freedom, Security and Justice in the European Union" should guarantee the periodic control of the work in progress.

It is the beginning of the 'communitarisation' of the immigration policies. The praxis of intergovernmental consultation however, seems to fade definitively on the horizon. In fact, in the five years from the entry in force of the Treaty of Amsterdam (2004), the decisions on immigration and asylum will have to be adopted only with a qualified majority. Besides, the European Council will have to assure the effective freedom of movement, the control of the borders and the implementation of all the other measures in the field of immigration and asylum (Geddes, 2003).

In October 1999, a special European Council gathered in Tampere with the aim to make

the EU into 'an area of freedom, security and justice'. One of the priorities of the Tampere Council is the invitation to the EU member States to elaborate a common policy on asylum and immigration. The aim of the common policy in these specific fields implies the creation of "a harmonized and common way for immigrants and asylum seekers to obtain entry to all EU States" (CE, 2002). The main intervention areas to reach these goals have been carefully listed: 1. a comprehensive approach to the management of migratory flows; 2. fair treatment of third country nationals; 3. partnership with countries of origin; and 4. development of a common European Asylum system (CEC, 2000). The selection of intervention areas is a recognition by the European Commission that, given declining population and labour shortages in some sectors of a number of EU countries, "the existing 'zero' immigration policies, which have dominated thinking over the past 30 years, are no longer appropriate" (CEC, 2000, p. 6).

In short, with the signing of the Treaty of Amsterdam and the following meeting of the European Council in Tampere, a new institutional revolution seemed to overturn from their foundations, the European institutions and start an unprecedented acceleration in the EU process of decisional coordination in the field of asylum and immigration. Unfortunately, this is not exactly true of the current situation.

The subsequent European Councils, in the years from 2001 to 2003, showed a deceleration (Laeken) in asylum and immigration policy, followed by the determination to go on (Seville) or again by the acknowledgment of the progresses made with the approval of so long waited directives, like the one on 'family reunification' (CEU, 2003a) or 'the status of third-country nationals who are long-term residents' (CEU, 2003b) (Thessaloniki). In fact, it is clear from the analysis of the documentation produced in these and other venues, that the member States' are determined not to abdicate from their own prerogatives of national sovereignty by keeping control of such a sensitive field as immigration. The resounding declarations of principle included in these documents often clash with the daily practices of the national governments, urging the European Commission on more than one occasion, to invite the member States not to adopt legislations in the migratory field which might, to a certain extent, contrast or hinder the ongoing supranational harmonization.

The metaphor of the Wallace 'pendulum' thus seems to find in these statements and in the contradictory results listed so far, a reason of being and a true confirmation. In spite of the efforts at harmonizing, it is however, legitimate to argue that progress in this area is, at the end of the day, the result of a combination of intergovernmental and supranational political decisions (Jordan, Stråth, Triandafyllidou, 2003).

On 1st May 2004, the conclusion of the first imposing phase of the process of the EU enlargement with the accession of 10 new member States, took place at the same time as the entry in force of the Treaty of Amsterdam. The enlargement, with the revision of the borders and the external relations of the Union, had raised hopes in the setting aside of another aspect of the member States sovereignty and the intensification of efforts for the common policy formation even in areas like immigration and asylum policy (Ruspini, 2002). In fact, the number of directives adopted in this field is, all in all, scarce in comparison with the legislative proposals put forward since Tampere, while the decisional mechanisms, at the moment, have not been changed as originally expected. The inability of the European Convention to impose the qualified majority voting on national States as *condicio sine qua non* in some sensitive decisional fields of the new European Constitution[7], showed unavoidable repercussions on the expected deadline for the entry in force of the Treaty of Amsterdam. The agreement reached by the European leaders on the so-called 'The Hague Programme' during the 4th and 5th November 2004 European Council in Brussels, fixed the new 2010 deadline for the adoption of common policy solutions in the field of asylum and immigration (CEU, 2004). Furthermore, the

European Council stressed the importance of the debate on the Green Paper as a tool to identify possible options for an EU legislative framework on economic migration (CEC, 2005c).

The approval of this new agenda has allowed the adoption of qualified majority decisions in the field of border controls, illegal immigration and asylum starting from 2005. The area of legal immigration remains instead subject to the unanimity rule and the right of veto until the European Constitution is not approved. Out of the rejection of the Constitutional Treaty by the French and Dutch constituency in the 2005 referenda, there is a predominant feeling, that counterbalances, deceleration and distinctions on principles will still influence future political choices, allowing the 'pendulum of Wallace' to fluctuate again.

4. Forms and features of the post-enlargement migration space

Having witnessed the conclusion of the first phase of expansion of the EU migration space, it is interesting to note how the post-Tampere agenda will be effective and what the impact this will have in the forming a common immigration policy. I would limit suggestions to a few remarks regarding the migratory phenomenology of the enlarged EU and to the identification of variables while providing a view of the future scenario. For clarity's sake I would first focus on a series of points (Ruspini, 2004b).

- The EU migration space has been enlarged and it will be further increased to the Southeast;
- The 'buffer zone' between East and West moved further eastwards;
- The borders are not porous as before, at least in the EU eastern border zone;
- Russia and the former-Soviet republics are still lacking suitable laws and infrastructures to carry out the role of 'buffer zone', long represented by the CEE countries before the EU enlargement;
- Migrants coming from the former-Soviet republics and the extremities of the Asian continent travel in the huge geographic spaces of Russia and the former-Soviet republics looking for a landing place in the West;
- Centrifugal migratory dynamics (towards the West) are added to centripetal dynamics (towards the 'core' of Russia) making the overall Eurasian migration space extremely fluctuating.

In this context, the demographic and economic differentials between border regions of the post-Soviet universe spark the migratory flows. The absence of controls in entry and the strict controls in exit towards the West, sometimes transform the transit in the post-Soviet space in stay of indefinite length. According to the most reliable estimations, 4/5 million immigrants are irregularly present in the territory of the Russian Federation (Ivakhniouk, 2003). It is an irregularity-settling tank that should raise greater interest from both the Russian Federation and the EU side. Until recently the approaches of the Russian state bodies and NGOs towards how to improve the situation and tackle the phenomenon of large-scale irregular migration were antipodal. By the end of 2005, it seems, however, that the position of the Federal Migration Service (FMS) has become more and more focused on legalisation of irregular migrants and their integration in the society and human rights protection system[8].

At the southern borders of the European continent, the Mediterranean Sea separates opposite poles of economic development. The Maghreb presses to tighten closer ties with the countries of the north side of the Mediterranean, while migrants coming from sub-Saharan Africa try desperately to move towards the Schengen space (Barros, Lahlou, et al., 2002). The Maghreb countries are therefore assuming characteristics of transit typical to migratory phenomenology already seen in other geographic areas of the European continent.

Which is the EU answer to these dynamics? The concession of 'facilitated transit'

settles controversies like the one involving the Kaliningrad region, the enclave between East and West of the enlarged Union, and allows the Russians of Ivangorod to visit their neighbours of Narva, but are only extemporaneous solutions for controversies of small or medium size intensity. These solutions certainly indicate the best practices in facing similar cases in other EU zones, but their complexity and their limited operational sphere show undoubtedly several limits.

The 'neighbourhood policy' prepared for the EU expansion is still too vague. The Union has planned *ad hoc* budget lines for implementing these policies by taking advantage of experience gained from with other financial instruments like Phare, Tacis and Meda (CEC, 2004). In any case, though important, the problem not only lies in identifying and displaying adequate financial instruments for policy implementation. Overall, the policies proposed by the European Commission, aimed at smoothing the way for the neighbourhood policy, still lack a real vision. They do not seem able to avoid the methodological superficiality and scientific vagueness of expressions like "ring of friends" to define the countries bordering the European Union. It is actually not always a question of "friends", if one considers either the strongly authoritarian regime of Alexander Lukashenko in Byelorussia or the powerful lobby of the political technologists in Moscow who are aiming at regaining influence of the Russian *blizhneye zarubezehiye* ('near abroad') (Kratsev, 2005)[9].

The existence of an unstable and uncertain world on its doorstep should put pressure on the EU to take political action, as well as economic measures, in order to meet the challenges and problems of the "neighbouring" areas. Closer to our immediate interests, i.e. immigration policy, one should be thinking now about multilateral solutions that can effectively involve all interested parties in the policy-making process. A solution could be to use the "open method of coordination" (CEC, 2001) for the EU immigration policy, not only in 'horizontal' way, i.e. by involving all the actors at national level in the setting up of immigration policy, but also in a 'vertical' way by involving the non-governmental and international organizations, the migrant associations and the ethnic minorities operating at transnational level. This coordination should be established by stimulating participation in the process of harmonization on behalf of all actors in the interested countries, old and new EU members and those neighbouring countries whose membership is probably not imminent.

The challenge of a further expansion is awaiting us: the expected 2007 participation extended to Romania and Bulgaria, and possibly the one to Croatia in 2008 and that to Turkey whose accession date has still to come. Turkey seems to raise more problems, because of its demographic potential and, above all, its Muslim identity overlapping the East and the West. It is worth remembering that, only few years ago, the fear that some million Turkish citizens resident in Germany were able to acquire, over time, a double nationality and consequently a significant electoral power, forced the adoption of a compromise model in reforming the citizenship law. The new law adopted some elements of *jus soli*, but the hypothesis of a double passport originally included in the reform supported by the red-green coalition, has been rejected (Ruspini, 2000). In the following years, advocated by the Christian-democratic and social Christian party a new debate started concerning national identity and the concept of *Leitkultur*, a 'dominant culture' whose roots date back, according to the exponents of the two parties, to the Christian tradition of Germany (Ruspini, 2001).

The German case is only one example. Other western countries are experiencing equally strong conflicts on issues of identity which the September 11 tragedy particularly exacerbated. The conditions of immigrant communities and ethnic minorities living in the European Union became harsher. The multicultural practices are constantly under discussion and face more and more difficulties in being really implemented (Rex, 2004).

The Turkish issue is added to this composite picture, forcing the European Union to rethink itself, its identity and its borders (Ruspini, 2006). The European Parliament, while recently reacting to the Commission's 2005 enlargement strategy paper, recalled that the capacity for absorption of the Union, as set out at the 1993 Copenhagen Summit, remains one of the conditions for the accession of new countries (EP, 2006; CEC, 2005b). The EU legislative body stressed the link between the absorption capacity on one hand and the nature of the European Union and its geographical borders on the other hand. It also requested the Commission to submit a report by 31st December 2006 setting out the principles which underpin this concept. Finally, it seems that only when the debate on the identity of the European Union is entirely exhausted will the practical problems of the national and supranational political spheres aspire to a suitable solution.

List of Abbreviations

CEC	- Commission of the European Communities
CEE	- Central and Eastern Europe
CEU	- Council of the European Union
EP	- European Parliament
EU	- European Union
FMS	- Federal Migration Service
MEDA	- Euro Mediterranean Partnership
NEEBOR	- Network of Eastern External Border
PHARE	- Poland and Hungary Action for Reconstructing the Economy
SIS	- Schengen Information System
TACIS	- Technical Assistance to the Commonwealth of Independent States

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[*] Coventry CV4 7AL, United Kingdom, ph. (+4424) 7652 4869, fax (+4424) 7652 4324, home page: http://www.warwick.ac.uk/fac/soc/CRER_RC/staff/paolo. A version of this article first published in Italian as "Da dieci a venticinque: il nuovo spazio europeo", in Fondazione ISMU, *Decimo Rapporto sulle migrazioni 2004. Dieci anni di immigrazione in Italia*, Milan: Franco Angeli, 2005, pp. 317-330.

[1] Exceptions are not missing if one thinks about Belarus of Alexander Lukashenko.

[2] Flows into Ireland are bigger, but the figures are not strictly comparable because the statistical indicators, i.e. the Personal Public Service Numbers (PPS), are issued by Irish authorities to individuals not only for employment reasons.

[3] According to the Accession Treaty, member States have until 30 April 2006 to decide whether to lift national restrictions on the free movement of workers in the EU. At the time of writing, Portugal, Spain and Finland have said they will open their job markets on May 1, while Germany, Austria and Belgium plan to keep the restrictions. The other six old EU members have yet to inform the Commission of their plans, but EU officials expect most will maintain the restrictions (Ames, 2006).

[4] One should not neglect that labour migration is first of all demand driven.

[5] Denmark also maintains a unique position concerning Schengen since it can choose whether or not to apply any new decisions made under the Schengen agreements. Non-EU members Norway and Iceland joined the Schengen area in 1996, while Switzerland, following the positive outcome of a referendum held on 5th June 2005, will plan to implement the Schengen provisions by 2008 (Gelatt, 2005; Vucheva, 2005).

[6] Out of the EU summit in Hampton Court during the 2005 UK presidency, the European Commission seemed to acknowledge it, while apparently starting a process to re-address its policy stance in the Mediterranean region (CEC, 2005a).

[7] Adopted from the 18th June 2004 Intergovernmental conference, the European Constitution should enter in force on 1st November 2006.

[8] Irina Ivakhniouk, senior migration researcher at the Moscow Lomonosov University, refers of a meeting held on 28th October 2005 at the FMS premises, where the Head of the Labour Migration Management Department Mr. Vyacheslav Postavnin came to terms with experts and NGOs that combating irregular migration is to be focused not on irregular migrants but on employers hiring foreign labour force in contravention of the law.

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[9] Kratsev (2005) stresses that the major aim of the political technologist policy and their leader, Sergei Markov, is to develop an efficient NGO networks that can use the predictable crisis of the current Ukrainian orange-type regimes to regain influence on the Russian "near abroad" not simply at the level of government but at the level of society as well.